

Court-ordered Protection From Abuse

A piece of paper, by itself, may not stop terror or threats... punches or kicks... harassment or stalking... bullets or knives... But, **when issued and enforced effectively**, a protection order can significantly enhance the safety of a woman who is being abused. PA's *Protection From Abuse Act* allows a victim of domestic violence to obtain a type of restraining order from a court that, at a minimum, prohibits her batterer from committing further acts of violence.

Preventing abuse with a PFA

A *Protection From Abuse* (PFA) order is a **binding civil court order** that prohibits batterers from harming their victims again. These orders can be a critical component of a battered woman's safety plan.

These orders can be effective in:

- deterring repeated incidents of physical and/or sexual abuse
- helping a battered woman achieve safety for herself and her children
- legitimizing her right to be free from violence
- holding a batterer accountable in a court of law
- demonstrating that a battered woman has access to, and the support of, the legal system
- linking her to community resources

Providing relief to battered women

In addition to ordering the abuse to cease, PFA's also may include such **lifesaving provisions** as:

- directing a batterer to have *no contact* with the victim and/or her family
- barring or evicting the offender from the home
- confiscating a batterer's weapons
- granting temporary custody of children to the battered woman
- limiting a batterer's visitation or allowing only supervised visits with children

Expediting the protection

Battered women may be eligible for an emergency, a temporary, and/or a final PFA order. The orders offer different relief and are issued based on the circumstances of the abuse and the timing of the petition.

An **emergency order**:

- is issued by a hearing officer, usually a district justice, in an emergency situation when the court is unavailable (can be issued 24-hours a day, seven days a week)

A **temporary order**:

- is issued by the court to provide immediate safety for a battered woman and/or her children until a hearing is held

A **final order**:

- is issued by the court for a period of up to one year after a hearing is held, or upon consent of both parties, and may include a broad array of protections for the battered woman and her children

Supplementing the criminal system

The *PFA Act* helps to close gaps in the criminal justice system because traditional approaches to crime may be inadequate as a single solution to domestic violence.

For example, cases may not be tried for several months through the criminal court process, and pre-trial release or probation can free a batterer to commit additional acts of violence. These practices can be potentially **dangerous or even deadly** for a victim of domestic violence — without appropriate protective measures, such as a PFA.

Obtaining a PFA does **not** preclude a battered woman and/or law enforcement from filing charges or pursuing justice through the criminal system.

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Penalizing the violators

Even though PFA petitions and orders are obtained through civil actions, PA law mandates **criminal penalties for violations**. A batterer who violates a PFA (e.g. going to a victim's home, stalking her) may face *indirect criminal contempt* charges and could be fined \$1,000 and/or jailed for up to six months.

Protection orders are valid throughout the country, regardless of the state in which they were issued. This **full faith and credit** is mandated in the *PFA Act* and in the federal *Violence Against Women Act*.

Recognizing the limitations

Although PFA's can substantially enhance safety, protection orders **do not offer a workable option in every case** of abuse.

PFA's constitute only a small part of society's response to domestic violence — and just **one step in a difficult process** of helping battered women regain their physical, social, and economic dignity. Preventing abuse depends upon all community systems working together — police, courts, health care, advocates, *everyone* who can provide a lifeline to safety.

A 1990 National Institute of Justice study found that while civil protection orders can be useful in preventing abuse for many battered women, **the most serious limitation is widespread lack of enforcement**.

Making enforcement easier

Protection order registries, available 24-hours-a-day, have been established to allow timely and consistent verification of PFA's by law enforcement agencies.

PA State Police are responsible for maintaining a **statewide registry** of PFA orders while the National Crime Information Center manages a **nation-wide registry**. Additionally, the Pennsylvania Coalition Against Domestic Violence oversees the **Protection From Abuse Database** (PFAD), which contains the comprehensive data in both PFA petitions and orders in PA.

Stats show success

- The National Institute of Justice reported in 1991 that **police officers are more likely to arrest a perpetrator who violates a protection order** than other batterers who commit crimes against family members.
- A 1994 National Center for State Courts study of 285 women in three cities revealed that, after obtaining a protection order:
 - 80% of the women felt safer
 - **72% reported no repeat incidents of violence** during an initial interview and 65% reported no problems six months later
- Research and reports by organizations such as the National Institute of Justice, the National Council of Juvenile and Family Court Judges, and the Urban Institute indicate **PFA's significantly contribute to safeguarding victims** from future abuse when orders are:
 - **individually tailored and comprehensive** (crafted to *each* individual battered woman's safety needs)
 - **vigorously enforced** by law enforcement and the courts

PFA's are one option available to women who are being abused.

Call your domestic violence program or PCADV

For more information about PFA's, safety planning, and available services, call your local domestic violence program or the Pennsylvania Coalition Against Domestic Violence (PCADV) at (800) 932-4632. To get the phone number of your local program:

- 1) look in your telephone book's blue pages under Abuse/Assault
- 2) call directory assistance
- 3) call PCADV

A local program staff member or volunteer can provide additional information about available services, volunteer opportunities and ways you can help prevent the crime of domestic violence in your community.



Pennsylvania Coalition Against Domestic Violence

6400 Flank Drive ■ Suite 1300 ■ Harrisburg, Pennsylvania 17112-2778

(717) 545-6400 ■ PA (800) 932-4632 ■ National (800) 537-2238 ■ TTY (800) 553-2508 ■ Fax (717) 545-9456